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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,	)	No. CR-12- 214 RS
	)	
11 Plaintiff,	)	<b>STIPULATION AND <del>PROPOSED</del></b>
	)	<b>ORDER CONTINUING STATUS</b>
12	)	<b>CONFERENCE AND EXCLUSION OF</b>
13	)	<b>TIME</b>
	)	
14	)	<b>Current Hearing Date: May 8, 2012</b>
vs.	)	Time: 2:30 p.m.
	)	Judge: Hon. Richard Seeborg
15 WALTER SWIFT,	)	
	)	<b>Proposed Hearing Date: May 22, 2012</b>
16 Defendant.	)	Time: 2:30 p.m.
	)	Judge: Hon. Richard Seeborg
17	)	

18 The above-captioned case is on calendar for a status conference on May 8, 2012 at 2:30  
19 p.m. The parties jointly request that the hearing be continued until May 22, 2012, at 2:30 p.m.,  
20 and that the time between May 8, 2012 and May 22, 2012 be excluded from the Speedy Trial  
21 clock as set forth below.

22 The continuance is necessary to allow defense counsel adequate time to investigate and  
23 evaluate a potential plea agreement. Defense counsel thus requests that the status conference be  
24 moved to May 22, 2012. Defense counsel has contacted Assistant United States Attorney  
25 Cynthia Frey and she has no objection to the continuance.  
26

1 Further, and in light of the foregoing, the parties stipulate and jointly request that  
2 time be excluded from the Speedy Trial Act calculations from Tuesday, May 8, 2012 through  
3 Tuesday, May 22, 2012, for effective preparation of counsel. The parties agree that the ends of  
4 justice served by granting such a continuance outweigh the best interests of the public and the  
5 defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A), (h)(7)(B)(iv)..

6 **IT IS SO STIPULATED.**

7  
8 5/7/2012  
9 DATED

/s/  
CYNTHIA FREY  
Assistant United States Attorney

10  
11 5/7/2012  
12 DATED

/s/  
ELIZABETH M. FALK  
Assistant Federal Public Defender  
Counsel for Walter Swift


1 ~~PROPOSED~~ ORDER

2 For good cause shown, the trial setting hearing now scheduled for Tuesday, May 8, 2012  
3 is vacated. The matter shall be added to the Court's calendar on Tuesday, May 22, 2012 at 2:30  
4 p.m.

5 In addition, for the reasons stated above, the Court finds that an exclusion of time from  
6 Tuesday, May 8, 2012 through Tuesday, May 22, 2012 is warranted and that the ends of justice  
7 served by the continuance outweigh the best interests of the public and the defendant in a speedy  
8 trial. *See* 18 U.S.C. §3161 (h)(7)(A). The failure to grant the requested continuance would deny  
9 the defendant and defense counsel the reasonable time necessary for effective preparation, taking  
10 into account the exercise of due diligence. *See* 18 U.S.C. §3161(h)(7)(A), (h)(7)(B)(iv).

11 **IT IS SO ORDERED.**

12  
13 5/8/12  
14 DATED \_\_\_\_\_

  
HON. RICHARD SEEBORG  
United States District Judge